

CHAPTER NO. 767

SENATE BILL NO. 3049

By Crowe, Burks, Dixon, Williams

Substituted for: House Bill No. 3080

By Givens, Lewis, Ferguson, Bowers, Walker, Windle, Curtiss, Sharp

AN ACT To amend Tennessee Code Annotated, Title 49, Chapter 7, relative to certain educational assistance for veterans and their spouses and children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Veterans' Dependents' Post-Secondary Education Assistance Act of 2000".

SECTION 2. Tennessee Code Annotated, Section 49-7-102, is amended by deleting such section in its entirety and by substituting instead the following:

(a) Except as provided in subsection (d), every dependent child in this state under the age of twenty-one (21) years, whose parent (father or mother) was killed, died as a direct result of injuries received, or has been officially reported as being either a prisoner of war or missing in action while serving honorably as a member of the United States armed forces during a qualifying period of armed conflict, or the spouse of such veteran, is entitled to a waiver of tuition, and/or maintenance fees, and/or student activity fees and/or required registration or matriculation fees, and shall be admitted without cost to any of the institutions of higher education owned, operated and maintained by the state.

(1) To be eligible for the educational assistance benefits established by this section, such dependent child or spouse shall:

(A) Present official certification from the United States Department of Veterans Affairs that the parent (father or mother) or spouse veteran was killed or died as a direct result of injuries received while serving honorably as a member of the United States armed forces during a qualifying period of armed conflict; or

(B) Present official certification from the United States Department of Defense that the parent (father or mother) or spouse service member has been officially reported as being a prisoner of war or missing in action while serving honorably as a member of the United States armed forces during a qualifying period of armed conflict; or

(C) Present Certificate of Release or Discharge from Active Duty, Department of Defense Form 214, for the veteran or service member from whom the eligibility for the benefits established by this section derives.

(2) The deceased veteran, prisoner of war or missing in action service member from whom such eligibility derives shall have been a citizen of this state at the time the veteran was killed, at the time the fatal

injury was sustained by the veteran, or at the time the service member was officially reported as being a prisoner of war or missing in action.

(3) The dependent child or spouse, prior to receiving the educational assistance benefits established by this section, shall have or possess the necessary qualifications required for admission to the appropriate state institution of higher education. To maintain eligibility for such benefits, the dependent child or spouse shall be in active pursuit of a specific and declared degree or certificate program at such institution.

(4) No dependent child or spouse shall be entitled to receive the educational assistance benefits established by this section after the conclusion of any term during which the parent (father or mother) of the dependent child or spouse is officially removed from the status of being a prisoner of war or being a service member missing in action.

(5) A veteran's spouse's eligibility for the educational assistance benefits established by this section shall terminate ten (10) years after the death of the veteran from whom the eligibility for such benefits derives; provided, however, a veteran's spouse's eligibility for such benefits shall terminate immediately upon such person's remarriage within such ten (10) year period.

(6) In cases where a student qualifies for the educational assistance benefits established by this section after the student has paid tuition and fees for a term, there shall be no refund of any monies by the institution of higher education, including, but not limited to, such paid tuition and fees.

(c) As used in this section, unless the context otherwise requires:

(1) "Dependent child" means a natural or adopted child of a veteran or service member whom such veteran or service member claims as a dependent for federal income tax purposes;

(2) "Parent (father or mother)" means the parent of a natural or adopted child whom such parent claims as a dependent for federal income tax purposes;

(3) "Qualifying period of armed conflict" means any hostile military operation for which the following United States military campaign medals are individually authorized:

(1) Armed Forces Expeditionary Medal; or

(2) Southwest Asia Service Medal with at least one (1) bronze star appurtenance for specific military campaign participation by the veteran; or

(3) Vietnam Service Medal with at least one (1) bronze star appurtenance for specific military campaign participation by the veteran.

(4) "Service member" means a Tennessee resident who is engaged in active military service of the United States;

(5) "Served honorably" means the character of service condition as reported on Certificate of Release or Discharge from Active Duty (Department of Defense Form 214);

(6) "State institution(s) of higher education" means any post-secondary institution operated by the Board of Trustees of The University of Tennessee system or the Board of Regents of the state university, community college and area technology center system that offers courses of instruction leading to a certificate or degree; and

(7) "Veteran" means a Tennessee resident who has entered and served honorably in the United States armed forces;

(d) The provisions of this section shall apply to all state institutions of higher education beginning with the next registration or enrollment period for the next complete term after the effective date of this act.

(e) The age limitation provided for dependent children in subsection (a) shall not be strictly applied. To be eligible for the educational assistance benefits established by this section, a dependent child shall be matriculated as a full-time student at a state institution of higher education prior to attaining the age of twenty-one (21). Once declared eligible, a dependent child shall remain eligible until one (1) of the following events has occurred:

(1) Prior to attaining the age of twenty-one (21), the dependent child earns an undergraduate degree or certificate; or

(2) The dependent child has accumulated one hundred fifty (150) semester hours, or the equivalent; or

(3) The dependent child has maintained a full-time enrollment of at least fifteen (15) semester hours, or the equivalent, for ten (10) semesters, or the equivalent.

(g) A spouse eligible for the benefits established by this section shall complete an undergraduate degree or certificate program within the ten (10) year period established by subsection (b)(5); provided, however, the spouse's eligibility shall extend to the end of the term in which the ten (10) year period expires. A spouse who has previously earned an undergraduate degree or certificate shall not be eligible for such benefits. Otherwise, the spouse shall be eligible for such benefits until one (1) of the following events has occurred:

(1) Prior to the expiration of such benefits, the spouse earns an undergraduate degree or certificate; or

(2) The spouse has accumulated one hundred fifty (150) semester hours, or the equivalent; or

(3) The spouse has maintained a full-time enrollment of at least fifteen (15) semester hours, or the equivalent, for ten (10) semesters, or the equivalent.

SECTION 3. Tennessee Code Annotated, Section 49-7-104, is amended by deleting such section in its entirety and by substituting instead the following:

(a) (1) The Board of Trustees of The University of Tennessee system and the Board of Regents of the state university, community college and area technology center system shall adopt procedures whereby a student attending an institution of higher education within their jurisdictions under educational assistance benefits administered/provided by the United States Department of Veterans Affairs or under other governmentally-funded educational assistance benefits may elect, upon formal application to the institution, to defer payment of the required tuition and fees until the student's monetary benefits from the United States Department of Veterans Affairs or other governmental agency have been received.

(2) Such deferment shall not extend beyond the final day of the term for which such educational assistance benefits are being provided or until all monetary benefits are received from the United States Department of Veterans Affairs or other governmental agency, whichever occurs first; however, a further extension may be granted upon a finding of extenuating circumstances related to the delay of delivery of such benefits through no fault of the student.

(3) The amount of tuition and fees deferred shall not exceed the total anticipated monetary benefits to be received by the student from the United States Department of Veterans Affairs or other governmental agency for the term.

(4) Eligibility for such deferment shall terminate if the student fails to abide by any applicable rule or regulation or fails to act in good faith in the timely payment of required tuition and fees that have been deferred pursuant to this section.

(5) No additional fees or service charges shall be imposed against a student by a state institution of higher education for deferred payments of tuition and fees made pursuant to this section.


(b) All procedures adopted pursuant to this section are subject to the approval of the Commissioner of Finance and Administration and shall be filed with the Comptroller of the Treasury.

SECTION 4. The Board of Trustees of The University of Tennessee system and the Board of Regents of the state university, community college and area technology center system are directed to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

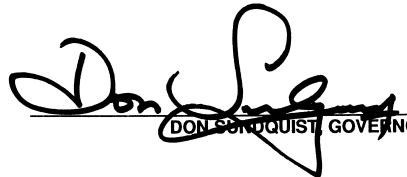
SECTION 5. For the purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2000, the public welfare requiring it.

PASSED: May 15, 2000


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 22nd day of May 2000


DON SUNDQUIST, GOVERNOR